

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**48 CFR Part 1871****Midrange Procurement Procedures***CFR Correction*

In Title 48 of the Code of Federal Regulations, Chapters 15 to 28, revised as of Oct. 1, 1998, 1871.401-6 is corrected by revising paragraph (a)(2) and adding paragraph (a)(3) as follows:

1871.401-6 Commercial items.

(a) * * *
(2) MidRange procedures shall also be used, to the extent applicable, for commercial item acquisitions accomplished under FAR subpart 13.6, Text Program for Certain Commercial Items.

(3) Contract type shall be in accordance with FAR 12.207.

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DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 18****RIN 1018-AE26****Import of Polar Bear Trophies From Canada: Addition of Populations to the List of Areas Approved for Import**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule announces findings on the import of polar bears (*Ursus maritimus*) taken in sport hunts in the areas formerly known as Parry Channel-Baffin Bay and Queen Elizabeth Islands, Northwest Territories (NWT), Canada, under the Marine Mammal Protection Act (MMPA). The U.S. Fish and Wildlife Service summarizes the new research data used by Canada to redefine these areas into five populations: Queen Elizabeth Islands, Norwegian Bay, Kane Basin, Lancaster Sound, and Baffin Bay, and provides a summary of the Nunavut Land Claim and the new Flexible Quota Option. The Service finds that Lancaster Sound and Norwegian Bay meet the requirements of the MMPA and adds them to the list of approved populations in the regulations. The Service defers the decision on Queen Elizabeth Islands, Baffin Bay, and Kane Basin.

DATES: This rule is effective February 10, 1999.

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SUPPLEMENTARY INFORMATION:**Background**

On February 18, 1997, the Service published in the **Federal Register** (62 FR 7302) the final rule for the import of trophies of personal sport-hunted polar bears taken in Canada by U.S. hunters. The rule established the application requirements, permit procedures, issuance criteria, permit conditions, and issuance fee for such permits and made legal and scientific findings required by the MMPA. Before issuing a permit for the import of a polar bear trophy, we, the Service, must make a finding that the polar bear was legally taken by the applicant, and in consultation with the Marine Mammal Commission (MMC) and after opportunity for public comment, must make the findings listed in section 104(c)(5)(A) of the MMPA. We made these findings on an aggregate basis to be applicable for multiple harvest seasons as follows: (a) The Government of the Northwest Territories (GNWT) has a sport-hunting program that allows us to determine before import that each polar bear was legally taken; (b) the GNWT has a monitored and enforced program that is consistent with the purposes of the 1973 International Agreement on the Conservation of Polar Bears (International Agreement); (c) the GNWT has a sport-hunting program that is based on scientifically sound quotas ensuring the maintenance of the affected population stock at a sustainable level for certain populations; and (d) the export of sport-hunted trophies from Canada and their subsequent import into the United States would be consistent with CITES and would not likely contribute to illegal trade of bear parts. In addition, we found that the prohibition on the import of pregnant and nursing marine mammals in section 102(b) of the MMPA would be met under the application requirements, issuance criteria, and permit conditions in the regulation.

We provided information in the final rule to show that the following polar bear populations met the criteria specified in the MMPA: Southern Beaufort Sea, Northern Beaufort Sea, Viscount Melville, M'Clintock Channel, and Western Hudson Bay. We deferred making a decision for other populations: Parry Channel-Baffin Bay, Queen Elizabeth Islands, Foxe Basin, Gulf of Boothia, Southern Hudson Bay, and Davis Strait. At the same time, we announced that upon receipt of substantial new scientific and management data, we would publish a

proposal for public comment and consult with the MMC. Any population found to meet the criteria would be added to the list of approved populations in the regulation at § 18.30(i)(1).

When we proposed the polar bear rulemaking in July 1995 (60 FR 36382), the Department of Renewable Resources (DRR), GNWT, had begun an intensive population inventory of the Parry Channel-Baffin Bay area. We treated the Parry Channel-Baffin Bay area as a single population based on the best available scientific data at that time and current management practices by the GNWT. However, we recognized that forthcoming information would likely show the area to be composed of multiple populations. The final rule reflected our response to the numerous comments received on the treatment of the Parry Channel-Baffin Bay area as a single unit, rather than the new data resulting from Canada's ongoing research and management changes. To avoid further delay in completing the final rule, we chose to complete the rulemaking on the proposed rule and to publish the new data in a subsequent proposed rule. Thus, we deferred making a decision for the Parry Channel-Baffin Bay population in the final rule.

Canada provided information to the Service as their research in the Parry Channel-Baffin Bay areas progressed. In August 1995, Environment Canada stated in a letter to the Service that current status information on the Parry Channel and Baffin Bay areas "would disqualify these populations," but new additional information could be available for review in early 1996. At the 1996 Polar Bear Technical Committee (PBTC) meeting the GNWT presented preliminary information that four polar bear populations were identified within an area that included the former Parry Channel-Baffin Bay and portions of the Queen Elizabeth Islands polar bear populations. Based on the preliminary data, the GNWT recommended boundary changes and renaming of the Parry Channel population as Lancaster Sound, boundary changes for the Baffin Bay population, and identification of the new Norwegian Bay and Kane Basin populations out of areas of Queen Elizabeth Islands. In July 1996, we received additional information on these areas and were advised that research and inventory studies in the areas were ongoing. In January 1997 additional information on these areas was obtained at the PBTC meeting, including information on new